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As noted in applicants responses to the last two office actions, Bleeker describes a massager for treating the skin and in particular for using a vacuum to treat the skin by forming folds in the skin (column 1 lines 28-29, column 2 lines 23-24 and claim 1 column 145 line 3). Cheng describes a massager that uses infrared radiant heat for "stimulating the muscles and joints" (column 1 lines 23-24, column 2 lines 29-32). The new reference, the patent to Smit, describes apparatus for treating acne and teaches using heat, especially wet sauna type heat (column 1, line 9) to soften and melt sebum that accumulates and hardens in skin pores thereby blocking the pores and causing acne. Suction is used to vacuum away the melted sebum before it can harden after being melted and again clog the pores (column 2 lines 35-44).

Bleeker, Smit and Cheng teach apparatus for completely different treatments. In order for there to be a motivation to combine, there would have to be some teaching that the structure or function useful in a treatment provided by an apparatus of one of the references be useful in a treatment provided by an apparatus of another of the references. However, such a teaching is completely absent. In particular, there is no teaching that the heating of Smit, which is used to treat acne, is useful for the massaging effect provided by Bleeker.

In addition, applicants traverse the Examiners contention that radiant heat provided by Cheng is an "art recognized equivalent" of the heat provided by Smit and that it is therefore obvious to replace Smit's heater with Cheng's heater. In order to melt hardened sebaceous oil, heat taught by Smit is intended to heat the skin and it must be concluded that it does not substantially pass through the skin. The heat provided by Cheng on the other hand is used to heat muscles and joints and presumably must therefore substantially pass through the skin. The heat provided by Cheng cannot therefore be considered an art recognized equivalent of the heat provided by Smit suitable as an obvious replacement for the heat provided by Smit.

It must therefore be concluded that the references individually and collectively do not in any way suggest or motivate combining their respective features to provide the invention defined by claim 48. Bleeker in view of Smit and Cheng do not support a prima facie case of obviousness against claim 48.

Applicants further point out that were Bleeker to be modified by Smit, the massaging rollers comprised in Bleeker would *press sebaceous oils melted by Smit's heater back into the pores and hamper removal of the melted oil from the skin by the vacuum taught by Smit.* Combining Bleeker with Smit renders the art taught by Smit unsatisfactory for its intended purpose. Therefore, in accordance with CFR 2143.01 there can be no suggestion or motivation for

modifying Bleeker with Smit. It must again be concluded that a prima facie case of obviousness is not supported by Bleeker and Smit and a radiant heater claimed in claim 48 of the present invention and taught by Cheng cannot be introduced into Bleeker via the "good offices" of Smit.

In view of the above, applicants submit that claims 48 is patentable and that claims 49 are and 50 patentable through dependence on claim 48. An action on the merits is respectfully awaited.

Respectfully submitted,
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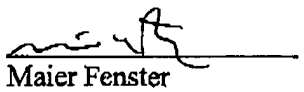

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